
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of	)	
	)	File No.: EB-06-SF-242
Yak Yak Shack	)	
	)	Citation No.: C20073296002
Red Bluff, CA 96080	)	

CITATION

Released: January 17, 2007

By the District Director, San Francisco District Office, Western Region, Enforcement Bureau:

1. This is an Official Citation issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended (“Act”),¹ to Yak Yak Shack for violation of Section 302(b) of the Act² and Section 2.803(a)(1) of the Commission’s Rules.³
2. Investigation by the Enforcement Bureau’s San Francisco Office revealed that on September 19, 2006, Yak Yak Shack offered for sale non-certified Citizens Band (“CB”) transceivers, namely, Galaxy Models DX95T and Galaxy DX99V, and Ranger Models RCI 2950DX and RCI 2970DX. According to the Commission’s records, these devices have not received a FCC equipment authorization which is required for Citizens Band transmitters marketed in the United States.
3. Section 302(b) of the Act states “No person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section.” Section 2.803(a)(1) of the Rules provides that “...no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease), or import, ship or distribute for the purpose of selling or leasing or offering for sale or lease, any radio frequency device unless: (1) In the case of a device subject to certification, such device has been authorized by the Commission in accordance with the rules in this chapter and is properly identified and labeled...” Yak Yak Shack’s offer for sale of these devices violates both sections.
4. Dual use CB and amateur radios of the kind at issue here may not be certificated under the Commission’s rules.⁴

¹ 47 U.S.C. § 503(b)(5).

² 47 U.S.C. § 302(b)

³ 47 C.F.R. 2.803(a)(1).

⁴ Section 95.655(a) of the Rules, 47 C.F.R. § 95.655(a), states: “[CB] Transmitters with frequency capability for the Amateur Radio Services....will not be certificated.” *See also Amendment of the Part 95, Subpart E, Technical Regulations in the Personal Radio Services Rules*, 3 FCC Rcd 5032 (1988).

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5. Violations of the Act or the Commission's Rules may subject the violator to substantial monetary forfeitures not to exceed \$11,000 for each such violation or each day of a continuing violation, seizure of equipment through *in rem* forfeiture action, and criminal sanctions, including imprisonment.

6. Yak Yak Shack may request an interview at the closest FCC Office, which is Federal Communications Commission, 5653 Stoneridge Dr., Ste 105, Pleasanton, CA 94588-8543.⁵ You may contact this office by telephone, XXX XXX-XXXX, to schedule this interview, which must take place within 14 days of this Citation. Yak Yak Shack may also submit a written statement to the above address within 14 days of the date of this Citation. Any written statements should specify what actions have been taken to correct the violation outlined above. Please reference file number EB-06-SF-242 when corresponding with the Commission.

7. Any statement or information provided by you may be used by the Commission to determine if further enforcement action is required.⁶ Any knowingly or willfully false statement made in reply to this Citation is punishable by fine or imprisonment.⁷

8. **IT IS ORDERED** that copies of this Citation shall be sent by First Class U.S. Mail and Certified Mail, Return Receipt Requested to Yak Yak Shack at its address of record.

FEDERAL COMMUNICATIONS COMMISSION

Thomas N. Van Stavern
District Director, San Francisco District Office
Western Region
Enforcement Bureau

⁵ 47 U.S.C. § 503(b)(5).

⁶ See Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

⁷ See 18 U.S.C. § 1001 *et seq.*